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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,716	10/22/2003	Mario Latronico	58009-017200	6855

33717 7590 05/09/2005

GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,716

Applicant(s)

LATRONICO, MARIO

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Election/Restrictions***

Newly submitted claims 11 and 12 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the new added method claim could be practiced by different apparatus such as one with first unreeling unit to mount a film and second unreeling unit to mount a zip tape and/or the new added new apparatus claim is different than the examined claim by referring to first and second unreeling unit and a power driven film feed roller designed to have on its outer surface sealing and cutting jaws wherein the sealing jaws being spaced at equal angular intervals.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11 and 12 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Runge (5,247,781) in view of Grevich et al. (4,305,240).

Runge discloses a horizontal packaging machine for making packages equipped with zip closure (16 and 18), the machine comprising at least one unit for unwinding a

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film (20) of synthetic material for packaging a series of products (24); at least one unit (36) for unreeling a pair of tapes to form a zip closure (16 and 18); a shaping tunnel located downstream of the film unreeling unit (Fig. 4; via sealing apparatus 124); a sealing unit located downstream of the shaping tunnel (Fig. 4; via sealing bars 128). Runge does not disclose a power-driven film feed roller designed to apply a uniform pulling force on the film which is unwound and fed into the sealing unit wherein the power driven feed roller has on its surfaces a series of jaws for transversely sealing and separating the packages. However, Grevich discloses a similar packaging machine comprising a power-driven film feed roller (Fig. 1) designed to apply a uniform pulling force on the film which is unwound and fed into the sealing unit wherein the power driven feed roller has on its surfaces a series of jaws for transversely sealing and separating the packages (Figs. 1 and 5; via jaws 18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Runge's sealing and cutting bars 128 by having a power-driven film feed roller designed to apply a uniform pulling force on the film which is unwound and fed into the sealing unit wherein the power driven feed roller has on its surfaces a series of jaws for transversely sealing and separating the packages, as suggested by Grevich, in order to readily and easily varying the length of the produced packages and radially adjusting the sealing and cutoff heads on the rotor to accommodate packages of various lengths (column 2, lines 40-45).

Regarding claim 3: Runge discloses a zip tape and package separating unit (Fig. 4; via knife 130).

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Regarding claim 4: Grevich discloses that the jaws have cutting edges (Fig. 5; via 18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Runge's sealing and cutting bars 128 by having a power-driven film feed roller with jaws having cutting edges, as suggested by Grevich, in order to readily and easily varying the length of the produced packages and radially adjusting the sealing and cutoff heads on the rotor to accommodate packages of various lengths (column 2, lines 40-45).

Regarding claim 5: Runge nor Grevich disclose a pair of opposite platforms one on each side of the film to make a first continuous seal along the outside of the joined edges of the film and a second seal along the inside in order to attach the zip tape to the film edges. However, the examiner takes an official notice that the mentioned two seals on a reclosable bags is old, well known and available in the art, see for example US. Patent Num. 6,523,325 and 4,618,383. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Runge's horizontal packaging machine by having means to make a first continuous seal along the outside of the joined edges of the film in order to secure the inside seal from any damage and provide the customer with a prove that the bag is never opened and a second seal along the inside in order to attach the zip tape to the film edges.

Regarding claim 6: Runge discloses free turning guide rollers to fuide the film into the sealing unit (Fig. 4; via rollers 88 and 90).

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Regarding claim 7: Runge discloses a pair of jaws feature a longitudinal groove which accommodates the zip tape while the seal is being made (Fig. 4; via sealing bars 124 and 128)

Regarding claim 8: Runge discloses close to the unit (36) for unwinding the zip tape (16 and 18), a pair of unwinding rollers (Fig. 1; via guide rollers 40, 44, 46, 48, and 49). Runge does not disclose that rollers for unwinding are driven by a servomotor. However, the examiner takes an official notice that driving rollers by servomotor is old, well known and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Runge's horizontal packaging machine by having servomotor to control the unwinding of the zip tape, in order to control the tension of the closure tape.

Regarding claim 9: Runge does not disclose downstream of the power-driven roller a device for collecting and feeding out the packages. However, it is inherent that Runge's packaging apparatus have a collecting or stacking station by the end of the manufacture line.

Regarding claim 9: Runge does not disclose that two process lines placed side by side. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Runge's packaging machine by having two process lines placed side by side, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. in order to have more manufactured bags in shorter time.

Response to Arguments

Applicant's arguments filed 03/29/2005 have been fully considered but they are not persuasive.

Applicant argues in pages 6 and 7 of the arguments that Grevich's reference does not disclose nor refer to a uniform pulling force on the film. The examiner believes that Grevich disclosed the claimed pulling force to the film (Figs. 1-3; via forming and sealing machine 10; via the rotating drum with its cutoff heads 18 are forcing the web to rotate around the drum to finish the work on the web; which can be considered as pulling force.

Applicant further argues in page 7 of the arguments in regard to the rejection to claim 5 that because reclosable bags are known in the art does not infer the existence of a pair of opposite platforms to make the contiguous seal and the zip seal. The examiner still believes that such opposite platforms one on each side of the film to make a seal is old and well known as disclosed above on the rejection. Note that Runge '781 discloses sealing bars 12B which can be considered as platforms are located opposite to each other to seal the film, that prove such teaching is old and available in the art and disclosed on the applied reference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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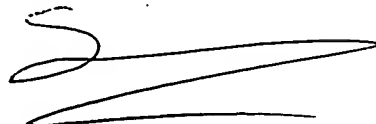
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



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